

**MARCH 12, 2008**

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

STRUBE CELERY AND VEGETABLE CO.  
2404 S. Wolcott, Units 16-20  
Chicago, Illinois 60608  
(312) 226-7880

Plaintiff

v.

THE EGG STORE, INC., a/t/a  
KUEHNLE EGG & PRODUCE  
6190 S. Archer Avenue  
Chicago, Illinois 60638  
(773) 284-8704

and

ROD J. KUEHNLE  
6190 S. Archer Avenue  
Chicago, Illinois 60638  
(773) 284-8704

and

JAMES A. KUEHNLE  
6190 S. Archer Avenue  
Chicago, Illinois 60638  
(773) 284-8704

Defendants

Civil No. \_\_\_\_\_

**JUDGE MANNING  
MAGISTRATE JUDGE SCHENKIER**

**08 C 1485**

**COMPLAINT  
(To Enforce Payment From Produce Trust)**

Strube Celery and Vegetable Co. ("Strube"), for its complaint against defendants,  
The Egg Store, Inc., a/t/a Kuehnle Egg & Produce, Rod J. Kuehnle and James A.  
Kuehnle alleges:

### JURISDICTION AND VENUE

1. Subject matter jurisdiction is based on Section 5(c)(5) of the Perishable Agricultural Commodities Act, 7 U.S.C. §499e(c)(5) (hereafter "the PACA"), 28 U.S.C. §1331 and 28 U.S.C. §2201.

2. Venue in this District is based on 28 U.S.C. §1391 in that (a) plaintiff's claims arose in this District and (b) defendants reside in this District.

### PARTIES

3. Plaintiff, Strube Celery and Vegetable Co., an Illinois corporation with its principal place of business in Chicago, Illinois, is engaged in the business of buying and selling wholesale quantities of perishable agricultural commodities (hereafter "produce") in interstate commerce and was at all times pertinent herein, a dealer subject to and licensed under the provisions of the PACA as a dealer.

4. a. Defendant, The Egg Store, Inc., a/t/a Kuehnle Egg & Produce ("The Egg Store"), an Illinois corporation with a principal place of business in Chicago, Illinois, was also engaged in the business of buying wholesale quantities of produce in interstate commerce and was at all times pertinent herein, a dealer subject to and licensed under the provisions of the PACA as a dealer.

b. Defendants, Rod A. Kuehnle and James A. Kuehnle, upon information and belief, were the officers and directors of The Egg Store, during the period of time in question who controlled the day to day operations of The Egg Store and were in positions of control over the PACA trust assets belonging to plaintiff.

### GENERAL ALLEGATIONS

5. This action is brought to enforce the trust provisions of P.L. 98-273, the 1984 amendment to Section 5 of the PACA, 7 U.S.C. §499e(c).

6. Between December 3, 2007 and February 8, 2008, plaintiff sold and delivered to defendants \$98,640.50 worth of wholesale quantities of produce which remains unpaid.

7. Defendants accepted the produce from plaintiff.

8. At the time of receipt of the produce, plaintiff became a beneficiary in a statutory trust designed to assure payment to produce suppliers. The trust consists of all produce or produce-related assets, including all funds commingled with funds from other sources and all assets procured by such funds, in the possession or control of defendants since the creation of the trust.

9. Plaintiff preserved its interest in the PACA trust in the amount of \$98,640.50 and remains a beneficiary until full payment is made for the produce. Itemized statements of account and a representative sampling of unpaid invoices, which are voluminous, with the requisite statutory language to preserve trust benefits, are attached hereto as Exhibits 1 and 2. All of plaintiff's invoices to defendants contain the requisite statutory language to preserve trust benefits.

10. Despite demand for payment, defendants have failed and refused to pay plaintiff for the wholesale quantities of produce supplied by plaintiff, and have advised plaintiff that they are having severe cash flow problems and are unable to do so at this time.

Count 1  
(Failure to Pay Trust Funds)

11. Plaintiff incorporates each and every allegation set forth in paragraphs 1 to 10 above as if fully set forth herein.

12. The failure of defendants to make payment to plaintiff of trust funds in the amount of \$98,640.50 from the statutory trust is a violation of PACA and PACA regulations, and is unlawful.

**WHEREFORE**, plaintiff requests an order enforcing payment from the trust by requiring immediate payment to plaintiff and such other and further relief as the Court deems necessary and appropriate.

Count 2  
(Failure to Pay For Goods Sold)

13. Plaintiff incorporates each and every allegation set forth in paragraphs 1 to 12 above as if fully set forth herein.

14. Defendants failed and refused to pay plaintiff the aggregate amount of \$98,640.50 owed to plaintiff for produce received by defendants from plaintiff.

**WHEREFORE**, plaintiff requests judgment as follows: in favor of plaintiff against defendants, jointly and severally, in the amount of \$98,640.50; and such other and further relief as the Court deems necessary and appropriate.

Count 3  
(Unlawful Dissipation of Trust Assets by  
a Corporate Official – Rod J. Kuehnle)

15. Plaintiff incorporates each and every allegation set forth in paragraph 1 to 14 above as if fully set forth herein.

16. Defendant, Rod J. Kuehnle, was a principal of The Egg Store who operated The Egg Store during the period of time in question and who was in a position of control over the PACA trust assets belonging to plaintiff.

17. Defendant, Rod J. Kuehnle, failed to direct The Egg Store to fulfill its statutory duty to preserve PACA trust assets and pay plaintiff for the produce supplied.

18. Defendant, Rod J. Kuehnle's failure to direct The Egg Store to maintain PACA trust assets and pay plaintiff for the produce supplied was an unlawful dissipation of trust assets by a corporate official.

19. As a result of said unlawful dissipation of trust assets, plaintiff has been deprived of its right as a beneficiary in the produce trust and has been denied payment for the produce it supplied.

**WHEREFORE**, plaintiff requests judgment against defendant, Rod J. Kuehnle, in favor of plaintiff in the amount of \$98,640.50; and, for such other and further relief as the Court deems necessary and appropriate.

Count 4  
(Unlawful Dissipation of Trust Assets by  
a Corporate Official – James A. Kuehnle)

20. Plaintiff incorporates each and every allegation set forth in paragraph 1 to 19 above as if fully set forth herein.

21. Defendant, James A. Kuehnle, was a principal of The Egg Store who operated The Egg Store during the period of time in question and who was in a position of control over the PACA trust assets belonging to plaintiff.

22. Defendant, James A. Kuehnle, failed to direct The Egg Store to fulfill its statutory duties to preserve PACA trust assets and pay plaintiff for the produce supplied.

23. Defendant, James A. Kuehnle's failure to direct The Egg Store to maintain PACA trust assets and pay plaintiff for the produce supplied was an unlawful dissipation of trust assets by a corporate official.

24. As a result of said unlawful dissipation of trust assets, plaintiff has been deprived of its right as a beneficiary in the produce trust and has been denied payment for the produce it supplied.

**WHEREFORE**, plaintiff requests judgment against defendant, James A. Kuehnle, in favor of plaintiff in the amount of \$98,640.50; and for such other and further relief as the Court deems necessary and appropriate.

Count 5  
(Interest and Attorneys Fees)

25. Plaintiff incorporates each and every allegation set forth in paragraphs 1 to 24 above as if fully set forth herein.

26. As a result of defendants' failure to make full payment promptly of \$98,640.50, plaintiff has lost the use of said money.

27. As a further result of defendants' failure to make full payment promptly of \$98,640.50, plaintiff has been required to pay attorney's fees and costs in order to bring this action to require defendants to comply with their statutory duties.

28. PACA and the invoices of plaintiff entitle plaintiff to recover prejudgment interest at a rate of 1.0% per month and attorney's fees incurred to collect any balance due from defendants.

**WHEREFORE**, plaintiff requests judgment against each of the defendants, jointly and severally, for prejudgment interest, costs and attorneys fees, and such other and further relief as the Court deems necessary and appropriate.

Dated this 12<sup>th</sup> day of March, 2008

McCARRON & DIESS

LAW OFFICES OF WILLIAM B. KOHN

By /s/ Mary Jean Fassett  
Mary Jean Fassett, ID#9078552  
4900 Massachusetts Ave., N.W.  
Suite 310  
Washington, DC 20016  
(202) 364-0400  
(202) 364-2731 – fax  
mjf@mccarronlaw.com

By: /s/ William B. Kohn  
William B. Kohn  
150 N. Wacker Drive  
Suite 1400  
Chicago, Illinois 60606  
(312) 553-1200  
(312) 553- 1733 -- fax  
kohn@wbkohnlaw.com

Attorneys for Plaintiff

## Exhibit 1



**Strube Celery & Vegetable Company**

Shippers and Distributors

Page 1 of 3

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KUEHNLE EGG & PRODUCE  
6190 S. ARCHER

11-MAR-08

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CHICAGO, IL 60638

**Listing of Open Invoices**

Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
12-03-07	TK	72586-17		20071203.081415	98.00	98.00
12-05-07	TK	72590-20		20071205.082959	392.00	392.00
12-05-07	TK	72590-21		20071205.082957	364.00	364.00
12-05-07	TK	74218-16		20071205.082961	1,343.50	1,343.50
12-06-07	TK	72591-47	DJ5049		450.00	450.00
12-08-07	TK	72574-3			-16.00	-16.00
12-10-07	TK	72600-27		20071210.086157	56.00	56.00
12-10-07	TK	72600-34		20071210.086233	504.00	504.00
12-10-07	TK	72600-35		20071210.086233	111.00	111.00
12-10-07	TK	74240-24		20071210.086157	180.00	180.00
12-11-07	TK	72577-8			450.00	450.00
12-14-07	TK	74175-25		20071214.089697	652.00	652.00
12-14-07	TK	74175-27		20071214.089697	157.00	157.00
12-14-07	TK	74178-3		20071214.089675	20.00	20.00
12-14-07	TK	75058-13		20071214.089675	1,330.00	1,330.00
12-19-07	TK	72610-10		20071219.092655	645.50	645.50
12-19-07	TK	73611-11		20071219.092613	691.00	691.00
12-19-07	TK	73611-12		20071219.092597	76.00	76.00
12-19-07	TK	73611-21		20071219.092653	22.00	22.00
12-19-07	TK	73611-6		20071219.092597	142.00	142.00
12-19-07	TK	74185-46	DJ5165		500.00	500.00
12-19-07	TK	74211-15		20071219.092597	116.50	116.50
12-20-07	TK	72560-4		20071220.093583	70.00	70.00
12-20-07	TK	72610-34			-72.00	-72.00
12-20-07	TK	73590-19			-10.00	-10.00
12-21-07	TK	71688-15		20071221.094881	770.00	770.00
12-21-07	TK	72560-43	DJ5196		450.00	450.00
12-27-07	TK	71723-12		20071227.097619	755.50	755.50
12-27-07	TK	71723-16		20071227.097619	115.75	115.75
12-27-07	TK	75060-18		20071227.097631	182.00	182.00
12-27-07	TK	75060-22			-63.00	-63.00
12-29-07	TK	73162-2			-14.50	-14.50
12-31-07	TK	72471-15		20071231.099947	302.50	302.50

**Strube Celery & Vegetable Company**

Shippers and Distributors

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KUEHNLE EGG &amp; PRODUCE

11-MAR-08

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Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
01-02-08	TK	72473-28		20080102.100819	519.00	519.00
01-02-08	TK	72473-29		20080102.100819	357.00	357.00
01-02-08	TK	72497-13		20080102.100761	6.00	6.00
01-02-08	TK	75063-28		20080102.100761	183.00	183.00
01-04-08	TK	74703-38		20080104.102781	14.50	14.50
01-04-08	TK	74703-42		20080104.102781	582.00	582.00
01-04-08	TK	74703-43		20080104.102781	16.00	16.00
01-04-08	TK	75050-17		20080104.102779	871.00	871.00
01-04-08	TK	75050-25		20080104.102827	170.00	170.00
01-07-08	TK	74509-8		20080107.104237	867.50	867.50
01-07-08	TK	74705-41	DJ5196		-450.00	-450.00
01-07-08	TK	74707-49		20080107.104239	497.75	497.75
01-07-08	TK	74707-50		20080107.104239	68.00	68.00
01-08-08	TK	74686-39		20080108.104637	-42.00	-42.00
01-10-08	TK	74507-9		20080110.106745	612.00	612.00
01-10-08	TK	74681-27		20080110.106759	885.50	885.50
01-11-08	TK	71696-31			-110.00	-110.00
01-11-08	TK	71696-32			-110.00	-110.00
01-14-08	TK	72305-19		20080114.109135	651.00	651.00
01-14-08	TK	72305-20		20080114.109137	336.00	336.00
01-14-08	TK	74508-38		20080114.109055	592.50	592.50
01-14-08	TK	74508-49		20080114.109207	120.00	120.00
01-15-08	TK	72309-17		20080115.109671	-28.00	-28.00
01-18-08	TK	72317-37		20080118.112637	120.00	120.00
01-18-08	TK	72321-41		20080118.112687	497.00	497.00
01-18-08	TK	72321-42		20080118.112687	85.00	85.00
01-18-08	TK	74531-36		20080118.112621	2,517.00	2,517.00
01-25-08	TK	72900-33		20080125.117285	668.00	668.00
01-25-08	TK	72900-34		20080125.117287	526.00	526.00
01-25-08	TK	72900-35		20080125.117289	287.50	287.50
01-25-08	TK	75052-17		20080125.117267	772.00	772.00
02-01-08	TK	74902-10		20080201.121845	396.00	396.00
02-01-08	TK	74902-28		20080201.121949	8.00	8.00

**Strube Celery & Vegetable Company**

Shippers and Distributors

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KUEHNLE EGG &amp; PRODUCE

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Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
02-01-08	TK	75363-37		20080201.121975	598.00	598.00
02-01-08	TK	75363-38		20080201.121977	431.00	431.00
02-04-08	TK	72672-48	DJ6606		520.00	520.00
02-04-08	TK	72675-27		20080204.123217	302.50	302.50
02-04-08	TK	72675-43		20080204.123315	275.00	275.00
02-04-08	TK	72676-39		20080204.123269	287.00	287.00
02-04-08	TK	72676-40		20080204.123269	14.00	14.00
02-04-08	TK	74901-34		20080204.123217	335.00	335.00
02-05-08	TK	74873-1			105.00	105.00
02-08-08	TK	72686-47		20080208.126221	547.50	547.50

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\$26,671.00

**Strube Celery & Vegetable Company**

Shippers and Distributors

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EGG STORE OAKLAWN  
6190 S. ARCHER AVE.

11-MAR-08

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CHICAGO, IL 60638

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Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
12-03-07	TK	72586-18		20071203.081413	98.00	98.00
12-05-07	TK	72590-22		20071205.082979	396.00	396.00
12-05-07	TK	72590-23		20071205.082975	382.00	382.00
12-05-07	TK	72590-24		20071205.082975	20.00	20.00
12-05-07	TK	74218-17		20071205.082963	1,253.50	1,253.50
12-07-07	TK	72595-35		20071207.084965	194.25	194.25
12-08-07	TK	72574-4			-16.00	-16.00
12-10-07	TK	72574-9		20071210.085345	-34.00	-34.00
12-10-07	TK	72600-28		20071210.086159	56.00	56.00
12-10-07	TK	72600-36		20071210.086237	610.00	610.00
12-10-07	TK	72600-37		20071210.086237	221.00	221.00
12-10-07	TK	74240-25		20071210.086159	180.00	180.00
12-11-07	TK	72577-44			-16.00	-16.00
12-14-07	TK	74175-30		20071214.089709	628.00	628.00
12-14-07	TK	74175-32		20071214.089711	288.50	288.50
12-14-07	TK	74178-4		20071214.089677	30.00	30.00
12-14-07	TK	75058-14		20071214.089677	906.00	906.00
12-19-07	TK	72610-13		20071219.092645	645.50	645.50
12-19-07	TK	73611-13		20071219.092605	590.50	590.50
12-19-07	TK	73611-14		20071219.092603	328.00	328.00
12-19-07	TK	73611-22		20071219.092647	44.00	44.00
12-19-07	TK	73611-7		20071219.092645	130.00	130.00
12-19-07	TK	74211-16		20071219.092603	116.50	116.50
12-20-07	TK	73590-20		20071220.093139	-36.00	-36.00
12-21-07	TK	71688-16		20071221.094879	702.00	702.00
12-27-07	TK	71723-17		20071227.097621	856.00	856.00
12-27-07	TK	71723-18		20071227.097621	109.25	109.25
12-27-07	TK	75060-19		20071227.097629	182.00	182.00
12-27-07	TK	75060-23			-105.00	-105.00
01-02-08	TK	72473-30		20080102.100815	467.00	467.00
01-02-08	TK	72473-31		20080102.100815	210.00	210.00
01-02-08	TK	72497-14		20080102.100763	6.00	6.00
01-02-08	TK	75063-29		20080102.100763	50.00	50.00

**Strube Celery & Vegetable Company**

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EGG STORE OAKLAWN

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Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
01-04-08	TK	74703-39		20080104.102785	29.00	29.00
01-04-08	TK	74703-44		20080104.102787	484.00	484.00
01-04-08	TK	74703-47		20080104.102785	251.00	251.00
01-04-08	TK	75050-18		20080104.102783	853.50	853.50
01-04-08	TK	75050-26		20080104.102829	170.00	170.00
01-05-08	TK	74705-23		20080105.103183	-48.00	-48.00
01-07-08	TK	74509-10		20080107.104243	947.50	947.50
01-07-08	TK	74686-2		20080107.104241	663.25	663.25
01-10-08	TK	74507-10		20080110.106743	570.00	570.00
01-10-08	TK	74681-28		20080110.106761	990.25	990.25
01-11-08	TK	71695-35		20080111.107793	42.00	42.00
01-11-08	TK	71696-33			-44.00	-44.00
01-11-08	TK	71696-34			-55.00	-55.00
01-14-08	TK	72305-21		20080114.109143	66.00	66.00
01-14-08	TK	72305-25		20080114.109143	659.00	659.00
01-14-08	TK	72305-28		20080114.109145	386.00	386.00
01-14-08	TK	74508-39		20080114.109057	568.50	568.50
01-14-08	TK	74508-50		20080114.109205	120.00	120.00
01-18-08	TK	72317-35		20080118.112641	120.00	120.00
01-18-08	TK	72321-43		20080118.112681	394.50	394.50
01-18-08	TK	72321-44		20080118.112681	308.00	308.00
01-18-08	TK	74531-38		20080118.112623	1,461.50	1,461.50
01-25-08	TK	72900-42		20080125.117345	623.00	623.00
01-25-08	TK	72900-43		20080125.117305	518.00	518.00
01-25-08	TK	72900-44		20080125.117307	458.50	458.50
01-25-08	TK	72900-45		20080125.117305	20.00	20.00
01-25-08	TK	75052-18		20080125.117269	527.00	527.00
02-01-08	TK	74902-13		20080201.121851	360.00	360.00
02-01-08	TK	74902-29		20080201.121951	24.00	24.00
02-01-08	TK	75363-39		20080201.121973	489.00	489.00
02-01-08	TK	75363-44		20080201.121979	416.00	416.00
02-01-08	TK	75363-45		20080201.121981	90.00	90.00
02-02-08	TK	72672-8		20080201.122033	14.00	14.00

**Strube Celery & Vegetable Company**

Shippers and Distributors

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EGG STORE OAKLAWN

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Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
02-02-08	TK	72672-9		20080201.122035	-24.00	-24.00
02-04-08	TK	72675-28		20080204.123209	432.50	432.50
02-04-08	TK	72675-46		20080204.123321	275.00	275.00
02-04-08	TK	72676-25		20080204.123209	36.00	36.00
02-04-08	TK	72676-41		20080204.123267	346.00	346.00
02-04-08	TK	72676-42		20080204.123267	70.00	70.00
02-04-08	TK	74901-35		20080204.123211	335.00	335.00
02-05-08	TK	74873-2			105.00	105.00

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\$23,545.00

**Strube Celery & Vegetable Company**

Shippers and Distributors

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EGG STORE HALSTED  
6190 S. ARCHER AVE.

11-MAR-08

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CHICAGO, IL 60638

**Listing of Open Invoices**

Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
12-05-07	TK	72590-28		20071205.082987	423.00	423.00
12-05-07	TK	72590-31		20071205.082987	132.00	132.00
12-05-07	TK	74218-19		20071205.082955	1,422.50	1,422.50
12-07-07	TK	72595-38		20071207.084969	130.00	130.00
12-10-07	TK	72600-41		20071210.086261	456.00	456.00
12-10-07	TK	72600-44		20071210.086261	34.00	34.00
12-10-07	TK	74240-27		20071210.086213	180.00	180.00
12-11-07	TK	72577-43			-16.00	-16.00
12-14-07	TK	74175-35		20071214.089743	782.50	782.50
12-14-07	TK	74175-36		20071214.089743	75.00	75.00
12-14-07	TK	74178-6		20071214.089681	30.00	30.00
12-14-07	TK	75058-16		20071214.089681	1,048.00	1,048.00
12-19-07	TK	72610-15		20071219.092637	445.50	445.50
12-19-07	TK	73611-18		20071219.092641	493.50	493.50
12-19-07	TK	73611-20		20071219.092639	36.00	36.00
12-19-07	TK	73611-24		20071219.092639	44.00	44.00
12-19-07	TK	73611-9		20071219.092637	78.00	78.00
12-19-07	TK	74211-19		20071219.092639	103.00	103.00
12-21-07	TK	71688-18		20071221.094875	666.50	666.50
12-21-07	TK	75085-13		20071221.094875	180.00	180.00
12-27-07	TK	71723-22		20071227.097633	755.50	755.50
12-27-07	TK	71723-23		20071227.097633	46.75	46.75
12-27-07	TK	75060-20		20071227.097627	182.00	182.00
12-27-07	TK	75060-25			-70.00	-70.00
01-02-08	TK	72473-34		20080102.100821	549.00	549.00
01-02-08	TK	72473-35		20080102.100825	71.75	71.75
01-02-08	TK	72497-16		20080102.100769	30.00	30.00
01-02-08	TK	75063-26		20080102.100765	398.00	398.00
01-04-08	TK	74703-41		20080104.102789	29.00	29.00
01-04-08	TK	74704-2		20080104.102803	479.00	479.00
01-04-08	TK	74704-3		20080104.102803	80.00	80.00
01-04-08	TK	75050-20		20080104.102789	622.00	622.00
01-04-08	TK	75050-23		20080104.102825	373.50	373.50

**Strube Celery & Vegetable Company**

Shippers and Distributors

1643

EGG STORE HALSTED

Page 2 of 2

11-MAR-08

**Listing of Open Invoices**

Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
01-07-08	TK	74509-12		20080107.104247	362.50	362.50
01-07-08	TK	74686-4		20080107.104245	494.50	494.50
01-10-08	TK	74507-12		20080110.106739	356.00	356.00
01-10-08	TK	74681-30		20080110.106765	949.25	949.25
01-11-08	TK	71695-34		20080111.107791	63.00	63.00
01-11-08	TK	71696-38			-110.00	-110.00
01-14-08	TK	71697-35			-64.00	-64.00
01-14-08	TK	72305-23		20080114.109139	44.00	44.00
01-14-08	TK	72305-31		20080114.109161	418.00	418.00
01-14-08	TK	72305-33		20080114.109161	73.00	73.00
01-14-08	TK	74508-41		20080114.109061	442.50	442.50
01-14-08	TK	74534-2		20080114.109203	290.00	290.00
01-18-08	TK	72317-36		20080118.112639	120.00	120.00
01-18-08	TK	72321-48		20080118.112677	628.50	628.50
01-18-08	TK	72321-49		20080118.112677	170.00	170.00
01-18-08	TK	74531-40		20080118.112627	1,024.00	1,024.00
01-25-08	TK	72901-2		20080125.117351	734.00	734.00
01-25-08	TK	72901-3		20080125.117353	783.50	783.50
01-25-08	TK	72901-5		20080125.117349	300.00	300.00
01-25-08	TK	75052-20		20080125.117273	310.00	310.00
02-01-08	TK	72672-1		20080201.121969	197.50	197.50
02-01-08	TK	74902-12		20080201.121849	510.00	510.00
02-01-08	TK	74902-31		20080201.121969	24.00	24.00
02-01-08	TK	75363-49		20080201.121971	759.50	759.50
02-04-08	TK	72675-30		20080204.123201	605.00	605.00
02-04-08	TK	72675-45		20080204.123309	77.00	77.00
02-04-08	TK	72676-24			-70.00	-70.00
02-04-08	TK	72676-28		20080204.123201	36.00	36.00
02-04-08	TK	72676-45		20080204.123263	780.00	780.00
02-04-08	TK	74901-37		20080204.123203	708.00	708.00
02-05-08	TK	74873-4			210.00	210.00

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\$21,515.75



**Strube Celery & Vegetable Company**

Shippers and Distributors

Page 1 of 3

1598

EGG STORE CERMAK  
6190 S. ARCHER AVE.

11-MAR-08

\*

CHICAGO, IL 60638

**Listing of Open Invoices**

Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
12-03-07	TK	72586-19		20071203.081411	98.00	98.00
12-05-07	TK	72590-25		20071205.082981	425.00	425.00
12-05-07	TK	72590-26		20071205.082983	431.00	431.00
12-05-07	TK	72590-27		20071205.082983	20.00	20.00
12-05-07	TK	74218-18		20071205.082953	1,433.50	1,433.50
12-06-07	TK	74218-26			-42.00	-42.00
12-07-07	TK	72595-37		20071207.084967	108.00	108.00
12-08-07	TK	72574-5			-32.00	-32.00
12-10-07	TK	72574-8			-34.00	-34.00
12-10-07	TK	72600-29		20071210.086161	56.00	56.00
12-10-07	TK	72600-38		20071210.086253	547.00	547.00
12-10-07	TK	72600-40		20071210.086255	266.50	266.50
12-10-07	TK	74240-26		20071210.086161	270.00	270.00
12-14-07	TK	74175-33		20071214.089729	726.00	726.00
12-14-07	TK	74175-34		20071214.089731	403.00	403.00
12-14-07	TK	74178-5		20071214.089679	30.00	30.00
12-14-07	TK	75058-15		20071214.089679	1,760.00	1,760.00
12-19-07	TK	72610-14		20071219.092649	645.50	645.50
12-19-07	TK	73611-15		20071219.092611	470.00	470.00
12-19-07	TK	73611-16		20071219.092609	233.00	233.00
12-19-07	TK	73611-23		20071219.092651	110.00	110.00
12-19-07	TK	73611-8		20071219.092649	130.00	130.00
12-19-07	TK	74211-17		20071219.092609	103.00	103.00
12-21-07	TK	71688-17		20071221.094877	581.00	581.00
12-27-07	TK	71723-19		20071227.097623	745.50	745.50
12-27-07	TK	71723-20		20071227.097623	143.25	143.25
12-27-07	TK	75060-24			-105.00	-105.00
01-02-08	TK	72473-32		20080102.100823	462.00	462.00
01-02-08	TK	72473-33		20080102.100823	327.25	327.25
01-02-08	TK	72497-15		20080102.100767	18.00	18.00
01-02-08	TK	75063-27		20080102.100767	220.00	220.00
01-04-08	TK	74703-40		20080104.102773	21.75	21.75
01-04-08	TK	74703-48		20080104.102773	504.00	504.00

**Strube Celery & Vegetable Company**

Shippers and Distributors

Page 2 of 3

1598

EGG STORE CERMAK

11-MAR-08

**Listing of Open Invoices**

Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
01-04-08	TK	74703-50		20080104.102775	392.50	392.50
01-04-08	TK	75050-19		20080104.102777	1,147.50	1,147.50
01-04-08	TK	75050-27		20080104.102831	340.00	340.00
01-07-08	TK	74509-11		20080107.104251	812.50	812.50
01-07-08	TK	74686-3		20080107.104249	494.00	494.00
01-10-08	TK	74507-11		20080110.106741	728.00	728.00
01-10-08	TK	74681-29		20080110.106763	850.00	850.00
01-11-08	TK	71695-33		20080111.107789	126.00	126.00
01-11-08	TK	71696-35			-44.00	-44.00
01-11-08	TK	71696-36			-55.00	-55.00
01-14-08	TK	72305-22		20080114.109141	44.00	44.00
01-14-08	TK	72305-29		20080114.109163	623.00	623.00
01-14-08	TK	72305-30		20080114.109165	371.00	371.00
01-14-08	TK	74508-40		20080114.109059	730.50	730.50
01-14-08	TK	74534-1		20080114.109201	180.00	180.00
01-15-08	TK	72305-36		20080115.109331	-32.00	-32.00
01-18-08	TK	72317-24		20080118.112643	180.00	180.00
01-18-08	TK	72321-46		20080118.112683	500.50	500.50
01-18-08	TK	72321-47		20080118.112685	405.50	405.50
01-18-08	TK	74531-39		20080118.112625	1,719.50	1,719.50
01-25-08	TK	72900-46		20080125.117343	739.00	739.00
01-25-08	TK	72900-49		20080125.117341	645.50	645.50
01-25-08	TK	72900-50		20080125.117339	548.00	548.00
01-25-08	TK	72901-1		20080125.117339	20.00	20.00
01-25-08	TK	75052-19		20080125.117271	807.00	807.00
02-01-08	TK	74902-11		20080201.121847	560.00	560.00
02-01-08	TK	74902-30		20080201.121965	24.00	24.00
02-01-08	TK	75363-46		20080201.121965	566.00	566.00
02-01-08	TK	75363-47		20080201.121963	407.50	407.50
02-01-08	TK	75363-48		20080201.121961	232.00	232.00
02-04-08	TK	72675-29		20080204.123205	345.00	345.00
02-04-08	TK	72675-47		20080204.123319	110.00	110.00
02-04-08	TK	72676-27		20080204.123205	60.00	60.00

**Strube Celery & Vegetable Company**

Shippers and Distributors

1598

EGG STORE CERMAK

Page 3 of 3

11-MAR-08

**Listing of Open Invoices**

Date	Type	Invoice#	Po. Number	Tracking Number	Original Amt	Current Balance
02-04-08	TK	72676-43		20080204.123265	532.00	532.00
02-04-08	TK	72676-44		20080204.123265	144.00	144.00
02-04-08	TK	74901-36		20080204.123207	370.00	370.00
02-05-08	TK	74873-3			210.00	210.00

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\$26,908.75

## Exhibit 2

2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608**STRUBE CELERY & VEGETABLE COMPANY**  
**\*\* PRIMUS CERTIFIED \*\***Phone 312-226-7880  
Fax 312-226-7644INVOICE #: 72586-17 JD  
DATE: 03-DEC-2007 10:46 AM  
CUST. NO.: 1157 PO#SOLD TO: KUEHNLE EGG & PRODUCE  
6190 S. ARCHER  
CHICAGO, IL 60638

\*\* REPRINT \*\*

INV #: 72586-17  
BOOTH: 14

\*\* \*\*

## TERMS:

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
	ELIT				
82102	5	MUSH, 16OZ. 4D ELITE	1	13.00	\$65.00
	ELIT				
82102	3	MUSH, 8OZ. 4D ELITE	1	11.00	\$33.00

Pkgs: 8

\*\* PALLETS OUT \_\_\_\_ PALLETS IN \_\_\_\_ \*\*

INVOICE TOTAL:

**\$98.00**

## Office Copy

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e(c))). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received". Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.

2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608**STUBE CELERY & VEGETABLE COMPANY**  
**\*\* PRIMUS CERTIFIED \*\***Phone 312-226-7880  
Fax 312-226-7644INVOICE #: 72590-20 JD  
DATE: 05-DEC-2007 10:46 AM  
CUST. NO.: 1157 PO#SOLD TO: KUEHNLE EGG & PRODUCE  
6190 S. ARCHER  
CHICAGO, IL 60638

\*\* REPRINT \*\*

INV #: 72590-20  
BOOTH: 14

\*\* \*\*

## TERMS:

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
	ST	XX SET OUT			
82091	10	ONION, GREEN 48 1C SUNTERRA	1	3.00	\$30.00
	D'AR				
82107	1	ANISE, 30 2C "30" ANDY BOY	1	16.00	\$16.00
	PARD				
82103	2	BEET, BCH 24 1C CHAMPS	1	20.00	\$40.00
	G				
82049	15	-MED- BEET, LSE 25# 3B 25#POLY SACK	1	6.00	\$90.00
	IPP				
82128	2	BRUSSEL, SPRT LSE 25 1C SR QUEEN VICTORIA	1	22.00	\$44.00
	GRIM				
82109	2	CARROT, PEEL BABY 24/1 2C CLASSIC	1	18.00	\$36.00
	PARD				
81970	1	DILL 4 DOZ 1C CHAMP	1	30.00	\$30.00
	IPP				
82128	1	ESCAROLE, 2C QUEEN VICTORIA	1	22.00	\$22.00
	IPP				
82128	3	LETTUCE, LEAF GREEN 3B QUEEN VICTORIA	1	13.00	\$39.00
	D'AR				
82108	3	LETTUCE, LEAF RED 3B ANDY BOY	1	15.00	\$45.00

Pkg: 40

\*\* PALLETS OUT \_\_\_\_\_ PALLETS IN \_\_\_\_\_ \*\*

INVOICE TOTAL:

**\$392.00**

## Office Copy

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e)(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.

2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608**ST R U B E CELERY & VEGETABLE COMPANY**  
**\*\* PRIMUS CERTIFIED \*\***Phone 312-226-7880  
Fax 312-226-7644INVOICE #: 72586-18 JD  
DATE: 03-DEC-2007 10:53 AM  
CUST. NO.: 1097 PO#SOLD TO: EGG STORE OAKLAWN  
8749 RIDGELAND  
CHICAGO,IL**\*\* REPRINT \*\***INV #: 72586-18  
BOOTH: 14

\*\* \*\*

**TERMS:**

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
	ELIT				
82102	5	MUSH, 16OZ. 4D ELITE	1	13.00	\$65.00
	ELIT				
82102	3	MUSH, 8OZ. 4D ELITE	1	11.00	\$33.00

Pkgs: 8

**\*\* PALLETS OUT \_\_\_\_\_ PALLETS IN \_\_\_\_\_ \*\***

INVOICE TOTAL:

**\$98.00****Office Copy**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e(c))). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.

2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608**ST R U B E CELERY & VEGETABLE COMPANY**  
**\*\* PRIMUS CERTIFIED \*\***Phone 312-226-7880  
Fax 312-226-7644INVOICE #: 72590-22 JD  
DATE: 05-DEC-2007 10:53 AM  
CUST. NO.: 1097 PO#SOLD TO: EGG STORE OAKLAWN  
8749 RIDGELAND  
CHICAGO,IL**\*\* REPRINT \*\***INV #: 72590-22  
BOOTH: 12

\*\* \*\*

**TERMS:**

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
	ST				
82091	15	ONION, GREEN 48 1C SUNTERRA	1	3.00	\$45.00
	D'AR				
82107	1	ANISE, 30 2C "30" ANDY BOY	1	16.00	\$16.00
	PARD				
82103	1	BEET, BCH 24 1C CHAMPS	1	20.00	\$20.00
	G				
82049	10	MED BEET, LSE 25# 3B 25#POLY SACK	1	6.00	\$60.00
	IPP				
82128	2	BRUSSEL, SPRT LSE 25 1C SR QUEEN VICTORIA	1	22.00	\$44.00
	GRIM				
82109	3	CARROT, PEEL BABY 24/1 2C CLASSIC	1	18.00	\$54.00
	PARD				
81970	1	DILL 4 DOZ 1C CHAMP	1	30.00	\$30.00
	IPP				
82128	2	ESCAROLE, 2C QUEEN VICTORIA	1	22.00	\$44.00
	IPP				
82089	2	ENDIVE, 2C QUEEN VICTORIA	1	22.00	\$44.00
	IPP				
82128	3	LETTUCE, LEAF GREEN 3B QUEEN VICTORIA	1	13.00	\$39.00

Pkgs: 40

**\*\* PALLETS OUT \_\_\_\_\_ PALLETS IN \_\_\_\_\_ \*\***

INVOICE TOTAL:

**\$396.00****Office Copy**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e)(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.



2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608

ST R U B E CELERY & VEGETABLE COMPANY

\*\* PRIMUS CERTIFIED \*\*

Phone 312-226-7880  
Fax 312-226-7644

INVOICE #: 72590-28 JD  
DATE: 05-DEC-2007 11:36 AM  
CUST. NO.: 1643 PO#

SOLD TO: EGG STORE HALSTED  
6190 S. ARCHER AVE.  
CHICAGO, IL 60638

\*\* REPRINT \*\*

INV #: 72590-28  
BOOTH: 12

\*\* \*\*

TERMS:

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
82091	ST 39	S/O ONION, GREEN 48 1C SUNTERRA	1	3.00	\$117.00
82107	D'AR 1	ANISE, 30 2C "30" ANDY BOY	1	16.00	\$16.00
82128	IPP 2	BRUSSEL, SPRT LSE 25 1C SR QUEEN VICTORIA	1	22.00	\$44.00
82109	GRIM 2	CARROT, PEEL BABY 24/1 2C CLASSIC	1	18.00	\$36.00
82103	PARD 1	DANDELION, 24'S 1C PARD	1	20.00	\$20.00
82128	IPP 2	ESCAROLE, 2C QUEEN VICTORIA	1	22.00	\$44.00
82089	IPP 1	ENDIVE, 2C QUEEN VICTORIA	1	22.00	\$22.00
82108	D'AR 2	LETTUCE, LEAF GREEN 3B ANDY BOY	1	13.00	\$26.00
82129	ELIT 3	MUSH, 8OZ. 4D ELITE	1	11.00	\$33.00
82129	ELIT 5	MUSH, 16OZ. 4D ELITE	1	13.00	\$65.00

Pkgs: 58

\*\* PALLETS OUT \_\_\_\_ PALLETS IN \_\_\_\_ \*\*

INVOICE TOTAL:

**\$423.00**

Office Copy

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e)(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received". Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.

2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608

ST R U B E CELERY & VEGETABLE COMPANY

\*\* PRIMUS CERTIFIED \*\*

Phone 312-226-7880  
Fax 312-226-7644

INVOICE #: 72590-31 JD  
DATE: 05-DEC-2007 11:11 AM  
CUST. NO.: 1643 PO#

SOLD TO: EGG STORE HALSTED  
6190 S. ARCHER AVE.  
CHICAGO, IL 60638

\*\* REPRINT \*\*

INV #: 72590-31  
BOOTH: 12

\*\* \*\*

TERMS:

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
	IPP				
82044	1	PARSLEY,CURLY 5 DZ. 1C SR QUEEN VICTORIA	1	16.00	\$16.00
	MUR				
82130	1	PARSLEY,PLAIN 1C MURANAKA	1	16.00	\$16.00
	AP				
82039	2	PEPPER, BAN HOT,FULL BU 1B WOOD CRATE	1	20.00	\$40.00
	RIO				
82101	1	KOHLRABI, 24'S 1C RIO FRESH	1	20.00	\$20.00
	JK				
20280	1	RUTABAGO 3A VERY FINE	4	20.00	\$20.00
	M				
82047	2	TURNIP,MED LSE 25# 3B FRESH TURNIP	1	10.00	\$20.00

Pkgs: 8

\*\* PALLETS OUT \_\_\_\_ PALLETS IN \_\_\_\_ \*\*

INVOICE TOTAL:

**\$132.00**

Office Copy

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e(c))). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received". Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.

2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608

**ST R U B E CELERY & VEGETABLE COMPANY**  
**\*\* PRIMUS CERTIFIED \*\***

Phone 312-226-7880  
Fax 312-226-7644

INVOICE #: 72586-19 JD  
DATE: 03-DEC-2007 11:01 AM  
CUST. NO.: 1598 PO#

SOLD TO: EGG STORE CERMAK  
7069 CERMAK  
CHICAGO, IL

\*\* REPRINT \*\*

INV #: 72586-19  
BOOTH: 14

\*\* \*\*

**TERMS:**

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
82102	5	ELIT MUSH, 16OZ. 4D ELITE	1	13.00	\$65.00
82102	3	ELIT MUSH, 8OZ. 4D ELITE	1	11.00	\$33.00

Pkgs: 8 \*\* PALLETS OUT \_\_\_\_ PALLETS IN \_\_\_\_ \*\*

INVOICE TOTAL: **\$98.00**

**Office Copy**

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e(c))). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received". Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.

2404 S. Wolcott Ave. 16-20  
Chicago, Illinois 60608

ST R U B E CELERY & VEGETABLE COMPANY

\*\* PRIMUS CERTIFIED \*\*

Phone 312-226-7880  
Fax 312-226-7644

INVOICE #: 72590-25 JD  
DATE: 05-DEC-2007 11:01 AM  
CUST. NO.: 1598 PO#

SOLD TO: EGG STORE CERMAK  
7069 CERMAK  
CHICAGO,IL

\*\* REPRINT \*\*

INV #: 72590-25  
BOOTH: 12

\*\* \*\*

TERMS:

Ctg:

TYPE: PACA TERMS

LOT #	QTY	COMMODITY	DEPT.	PRICE	EXT. AMOUNT
82091	ST 20	XX S/O ONION, GREEN 48 1C SUNTERRA	1	3.00	\$60.00
82107	D'AR 2	ANISE, 30 2C "30" ANDY BOY	1	16.00	\$32.00
82103	PARD 2	BEET, BCH 24 1C CHAMPS	1	20.00	\$40.00
82049	G 5	BEET, LSE 25# 3B 25# POLY SACK	1	6.00	\$30.00
82128	IPP 2	BRUSSEL, SPRT LSE 25 1C SR QUEEN VICTORIA	1	22.00	\$44.00
82103	PARD 2	DANDELION, 24'S 1C PARD	1	20.00	\$40.00
81970	PARD 1	DILL 4 DOZ 1C CHAMP	1	30.00	\$30.00
82128	IPP 3	ESCAROLE, 2C QUEEN VICTORIA	1	22.00	\$66.00
82089	IPP 2	ENDIVE, 2C QUEEN VICTORIA	1	22.00	\$44.00
82128	IPP 3	LETTUCE, LEAF GREEN 3B QUEEN VICTORIA	1	13.00	\$39.00

Pkgs: 42

\*\* PALLETS OUT \_\_\_\_ PALLETS IN \_\_\_\_ \*\*

INVOICE TOTAL:

**\$425.00**

Office Copy

The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by Section 5C of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499 (e)(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received. Interest of 1% per month will be added to the unpaid balance and all attorney fee incurred in connection with the collection of any balance due shall be considered owed in connection with the transaction under the PACA Trust.